

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:23-HC-2003-FL

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
MICHELET LOUIS,)	
)	
Respondent.)	

Petitioner commenced this civil commitment proceeding by filing certificate of mental disease or defect and dangerousness as to respondent pursuant to 18 U.S.C. § 4246(a). The matter is before the court to address appointment of counsel for respondent and on petitioner's motions to stay (DE 5) and to seal forensic report filed in support of the certificate (DE 4).

Respondent having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender is DIRECTED to provide representation in this action. The court further determines that respondent is unable to pay the fees of any witnesses, and pursuant to Federal Rule of Criminal Procedure 17(b), the clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Petitioner also moves to stay the instant § 4246 proceedings pending resolution of respondent's competency proceedings in the United States District Court for the District of Hawaii (DE 5). Counsel for respondent is DIRECTED to file any necessary response to the motion to

stay within **21 days** of this order. The government may file any reply thereto within 14 days of service of the response. The court will order evaluations pursuant to 18 U.S.C. §§ 4246(b) and 4247(b), and allow respondent to select his own mental health examiner and file report, after resolving the motion to stay and, if applicable, upon dissolution of the stay.

Finally, petitioner moves to file forensic reports under seal (DE 4). The motion is GRANTED for the reasons set forth therein. Furthermore, pursuant to Federal Rule of Civil Procedure 5.2(d), Local Civil Rule 79.2, and § V.G of the court's CM/ECF Administrative Policy Manual, the court ORDERS that the parties file any future forensic evaluations or other psychological or psychiatric documents in this case under seal, whether such documents are produced by FMC Butner evaluators, independent examiners appointed by order of this court, or other mental health professionals.

SO ORDERED, this the 17th day of January, 2023.



LOUISE W. FLANAGAN
United States District Judge